

MARK J. BENNETT 2672
Attorney General of Hawaii

J. GERARD LAM 5326
Deputy Attorney General
Department of Attorney
General, State of Hawaii
Labor Division
425 Queen Street
Honolulu, Hawaii 96813
Telephone: 586-1450

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HAWAII
LABOR RELATIONS BOARD

Attorneys for Complainant
Director of Labor and
Industrial Relations

STATE OF HAWAII

HAWAII LABOR RELATIONS BOARD

In the Matter of) CASE NO. OSAB 2002-13
) Inspection No. 304213556
DIRECTOR, DEPARTMENT OF LABOR)
AND INDUSTRIAL RELATIONS,) STIPULATION AND SETTLEMENT
) AGREEMENT TO WITHDRAW CITATION 1
Complainant,) ITEM 3 AND NOTICE OF CONTEST;
) EXHIBIT "A"; APPROVAL AND ORDER
OAHU EXPRESS, LTD.,)
)
Respondent.)
_____)

**STIPULATION AND SETTLEMENT AGREEMENT
TO WITHDRAW CITATION I ITEM 3 AND NOTICE OF CONTEST**

Complainant Director, Department of Labor and
Industrial Relations ("Director"), and Respondent OAHU EXPRESS,
LTD. ("Respondent"), having reached a full and complete agreement
to resolve the above-captioned contested case presently pending
before the Hawaii Labor Relations Board ("Board") stipulate and
agree as follows:

On or about November 15, 2001 to January 28, 2002 the Director, by and through the State of Hawaii's Occupational Safety and Health Division ("HIOSH"), inspected Respondent's workplace located at 689 Kakoi Street, Honolulu, Hawaii 96819.

As a result of the inspection, the Director, through HIOSH's Administrator, issued a Citation and Notification of Penalty ("Citation") to Respondent on February 1, 2002, alleging violations of the Hawaii Occupational Safety and Health Standards. See Exhibit A.

On February 12, 2001, Respondent timely contested Citation 1 Item 3 of its Citation.

THEREFORE, to resolve this case, the parties, by and through their respective representatives, stipulate and agree as follows:

1. The Board has jurisdiction over this contested case pursuant to section 396-11, Hawaii Revised Statutes ("HRS").
2. At all relevant times, Respondent maintained a workplace at 689 Kakoi Street, Honolulu, Hawaii 96819.
3. At all relevant times, Respondent was an employer, as defined in HRS § 396-3, and employed employees, as defined in HRS § 396-3, and was therefore subject to the requirements of HRS chapter 396, the Hawaii Occupational Safety and Health Law.
4. HIOSH hereby withdraws Citation 1 Item 3 of the

Citation issued to Respondent on February 1, 2002 alleging a violation of standard 12-60-2(a)(3) and its corresponding characterization. See Exhibit A.

5. Respondent hereby withdraws its Notice of Contest.

6. This Stipulation and Agreement to Withdraw Citation 1 Item 3 and Notice of Contest ("Agreement") shall become a final Order of the Board upon its approval.

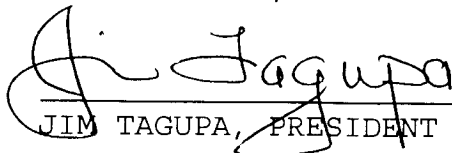
7. Respondent shall post a copy of this Agreement and Order in a prominent place at or near the location of the posting of the Citation, and the Agreement and Order shall remain posted for three working days (excluding weekends and State holidays).

8. Respondent shall continue to comply with HRS chapter 396, the Hawaii Occupational Safety and Health Law, and the related rules.

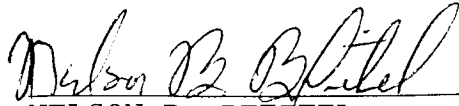
9. Nothing in this Agreement and Order shall bar the Director from taking any action regarding future acts or practices by Respondent which may be alleged to violate HRS chapter 396, the Hawaii Occupational Safety and Health Law, or the related rules.

DATED: Honolulu, Hawaii, March 26, 2003.

OAHU EXPRESS, LTD.


JIM TAGUPA, PRESIDENT

DIRECTOR, DEPARTMENT OF LABOR
AND INDUSTRIAL RELATIONS



NELSON B. BEFITEL
Director, Department of Labor
and Industrial Relations

APPROVED AND SO ORDERED BY
HAWAII LABOR RELATIONS BOARD:

ORDER NO. 40


DATED: April 3, 2003



BRIAN NAKAMURA, Chairman



CHESTER KUNITAKE, Member



KATHLEEN RACUYA-MARKRICH, Member

In re Director, Department of Labor and Industrial Relations vs.
Oahu Express, Ltd., OSAB 2002-13, Inspection No. 304213556,
Stipulation and Agreement to Withdraw Citation 1 Item 3 and
Notice of Contest